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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

KIMETRA BRICE, EARL BROWNE,  
and JILL NOVOROT,

Plaintiffs,  
v.

MIKE STINSON; LINDA STINSON; 7HBF NO.  
2, LTD.; STARTUP CAPITAL VENTURES, L.P.;  
STEPHEN J. SHAPER,

Defendants.

Case No.: 3:19-cv-01481-WHO

**NOTICE OF MOTION AND  
ADMINISTRATIVE MOTION TO SEAL  
DOCUMENTS IN SUPPORT OF  
PLAINTIFFS' MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

Hon. William H. Orrick

KIMETRA BRICE, EARL BROWNE, and JILL  
NOVOROT,

Plaintiffs,  
v.

HAYNES INVESTMENTS, LLC, and  
L. STEPHEN HAYNES,

Defendants

Case No.: 3:18-cv-01200-WHO

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Local Rule 79-5(e), Plaintiffs Kimetra Brice, Jill Novorot, and Earl Browne (“Plaintiffs”) hereby file this administrative motion to file under seal certain confidential documents, including Plaintiffs’ Motion for Partial Summary Judgment, which is being filed simultaneously herewith, and certain accompanying exhibits.

Plaintiffs have review and complied with the Court’s Standing Order on Administrative Motions to Seal as well as Local Rule 79-5.

Plaintiffs hereby request to file the following documents under seal:

1. Exhibits designated confidential by non-parties Think Finance and GPL Servicing Ltd. (“GPLS”),

Exhibit Number	Description of Document	Bates Number	Designating Party
Excel Exhibit 1	Excel Sheet – Excerpt of consumer-level account data produced natively	N/A	Think Finance
1	July 28, 2010 Transaction – Investment Committee Memorandum	GPLP00448752-448766	GPLS
6	February 28, 2011 Transaction – Investment Committee Memorandum	GPLP00448767-448780	GPLS

2. An unredacted version of the Declaration of Anna C. Haac ISO Plaintiffs’ Motion for Partial Summary Judgment, portions of which refer to data from exhibits designated as confidential:

Page:Lines	Exhibit(s) Cited	Designating Party
2:17-27	Excel Exhibit 1	Think Finance
3:1-3	Excel Exhibit 1	Think Finance

3. An unredacted version of Plaintiffs' Motion for Partial Summary Judgment, portions of which refer to the above exhibits designated as confidential:

Page:Lines	Exhibit(s) Cited	Designating Party
3:1-16; 24	Exhibit 1	GPLS
4:1	Exhibit 1	GPLS
5:4-10	Exhibit 6	GPLS
7:13-22	Excel Exhibit 1	Think Finance
8:23-27	Excel Exhibit 1	Think Finance
9:1-2	Excel Exhibit 1	Think Finance
9: 25	Exhibit 6	GPLS
16: 25-26	Exhibit 6	GPLS
42: 10-12	Exhibit 6	GPLS
44: 17-20, 23	Excel Exhibit 1	Think Finance

The documents and portions of Plaintiffs' Motion for Partial Summary Judgment identified above were produced and designated as confidential by non-parties Think Finance or GPLS pursuant to a Stipulated Protective Order entered in *In re Think Finance*, No. 17-33964 (Bankr. N.D. Tex.) ("Bankruptcy Litigation"). *See* Haac Declaration, Ex. A (Stipulated Protective Order). The "under seal" filing of Plaintiffs' Motion for Partial Summary Judgment and certain accompanying exhibits is thus required by the terms of the protective order.

Although Plaintiffs are filing the instant motion, Plaintiffs do not agree that the information being suppressed was properly designated as confidential; indeed, almost none of the documents designated as confidential and that are referenced in Plaintiffs' Motion for Partial Summary Judgment qualify for protection as a trade secret, privileged information, or otherwise. *See* Dkt. 64 at ¶¶ 2.2, 12.3. For example, in *Brice v. Plain Green, LLC*, involving the same rent-a-tribe scheme at issue here, the court denied the Haynes Defendants' motion to seal because they had not shown "a compelling justification overcoming the public's right of access." 372 F. Supp. 3d 955, 987 (N.D. Cal. 2019). The same outcome

1 is appropriate here. Nevertheless, Section 12.3 of the Stipulated Protective Order in this case requires  
 2 Plaintiffs to file this motion to seal. Under that section, Plaintiffs may not file any confidential material  
 3 in the absence of prior written permission from the Designating Party or a court order.

4 Furthermore, even though Plaintiffs do not agree that Defendants' exhibits are sealable, L.R. 79-  
 5 5(d)(1) requires Plaintiffs to file both a declaration and proposed order in support of this Motion to Seal.  
 6 Although Plaintiffs are filing this motion, the applicable Designating Parties are actually the proponents  
 7 of it. Accordingly, L.R. 79-5(e) requires that, within 4 days of the filing of this Administrative Motion to  
 8 File Under Seal, those Designating Parties must file a declaration as required by L.R. 79-5(d)(1)(A)  
 9 establishing that all of the material they designated as confidential is sealable. Thus, the burden shifts to  
 10 the Designating Parties to demonstrate that the material at issue is privileged, protectable as a trade  
 11 secret, or otherwise entitled to protection under the law. *See* Dkt. 64 at ¶¶ 2.2, 12.3.

12  
 13 Dated: May 19, 2021

Respectfully submitted,

14 By: /s/ Anna C. Haac

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